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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,861	11/21/2003	Diego Kaplan	UTL 00413	1359

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EXAMINER

SHEDRICK, CHARLES TERRELL

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/718,861

Applicant(s)

KAPLAN, DIEGO

Examiner

Charles Shedrick

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims **1-19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Shanahan 2004/0005880 A1 in view of Kamada US 2002/0123336 A1.

Consider **claims 1,7 and 14**, Shanahan teaches a providing a connectivity toolkit to a wireless communication device coupled with a connectivity toolkit server via a wireless communication network (i.e., **paragraph 0008**), the method comprising: receiving a wireless data connection from a wireless communication device **31, 32** (i.e., see paragraph 0023 figures); and providing a

communication device (i.e., a list of files are provided for browsing etc.) (**claims 1, 12, and 21**) (**also see paragraphs 0025, 0030,0038,0039,0042,0046,0061**).

However, Shanahan does not specifically teach authenticating a user associated with the wireless communication device.

In the same field of endeavor, Kamada teaches authenticating a user associated with the wireless communication device (i.e., **see figure 9 and paragraph 0085**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Shanahan to include authenticating a user associated with the wireless communication device for the purpose of security as taught by Kamada.

Consider **claims 2 and 15 and as applied to the method of claim 1 and the computer readable medium of claim 14**, Shanahan has modified by Kamada teaches the claimed invention further comprising: receiving a request for a directory listing; obtaining a list of files associated with the requesting user; and providing the list of files, wherein the list of files is displayed on the wireless communication device (**claims 1, 12, and 21**) (**also see paragraphs 0025, 0030,0038,0039,0042,0046,0061**).

Consider **claims 3 and 16 and as applied to the method of claim 2 and the computer readable medium of claim 15**, Shanahan has modified by Kamada teaches the claimed invention querying a file system on the connectivity toolkit server to determine a list of user files; and identifying a user file associated with the requesting user (**paragraph 0053**).

Consider **claims 4, 5, 17, and 18 and as applied to the method of claim 1 and the computer readable medium of claim 14**, Shanahan has modified by Kamada teaches receiving a request to download a file (i.e., **see claim 1**), the request comprising a file identifier (i.e., the

Art Unit: 2617

file identification is inherent in choosing the correct file); obtaining the file size of the requested file(i.e., in order to know the file size the file size is inherently obtained); comparing the file size to a predetermined threshold file size value(i.e., in order to determine if the file is too big or too small the file size is inherently compared to a threshold); and denying the request to download the file when the file size exceeds the predetermined threshold file size value (i.e., the user may be prompted to modify or cancel the information request, in any case the download is inherently denied as request until modified); and providing the requested file via the wireless network(i.e., see paragraph 0040).

Consider **claims 6, and 19 and as applied to the method of claim 1 and the computer readable medium of claim 14**, Shanahan has modified by Kamada teaches the claimed invention further comprising: receiving a request to upload an identified file (i.e., see **claim 1**), the request comprising a filename and a file size (i.e., in order to know the file size the file size is inherently obtained); comparing the file size to a predetermined threshold file size value (i.e., in order to determine if the file is too big or too small the file size is inherently compared to a threshold); approving the request to upload the file when the file size is smaller than the predetermined threshold file size value (i.e., the user may be prompted to modify or cancel the information request, in any case the upload is inherently denied as request until modified); and receiving the identified file via a wireless communication network(i.e., furthermore it is clear to one of ordinary skill in the art that an upload is simply the reversal of download and is simply a matter of duplicating operations at the reverse end of a transmission (i.e., claim 29).

Consider claim 8 and as applied to wireless connectivity toolkit system of claim 7, Shanahan has modified by Kamada teaches wherein the plurality of utility programs comprises a file transfer program (i.e., any suitable storage device containing computer programs or files, etc. **(paragraph 0024 or 0030)**)

Consider claim 9 and as applied to wireless connectivity toolkit system of claim 8, Shanahan has modified by Kamada teaches wherein the file transfer program facilitates the transfer of files between the wireless communication device and the wireless connectivity toolkit server **(paragraph 0030)**.

Consider claim 10 and as applied to wireless connectivity toolkit system of claim 7, Shanahan has modified by Kamada teaches wherein the data storage area coupled with wireless connectivity server provides data storage for a plurality of wireless communication devices, the data storage accessible to the plurality of wireless communication devices via the wireless communication network **(paragraph 0024)**.

Consider claim 11 and as applied to wireless connectivity toolkit system of claim 10, Shanahan teaches the claimed invention except wherein the network based data storage is provided to a wireless communication device for a fee.

However, in the same field of endeavor, Kamada teaches wherein the network based data storage is provided to a wireless communication device for a fee **(i.e., paragraph 0052 at least)**.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Shanahan to include wherein the network based data storage is provided to a wireless communication device for a fee as taught by Kamada for the purpose of revenue generation

Consider claim 12 and as applied to wireless connectivity toolkit system of claim 11, Shanahan teaches the claimed invention except wherein the fee is based on the total amount of data storage in use by the wireless communication device.

However, in the same field of endeavor, Kamada teaches wherein the fee is based on the total amount of data storage in use by the wireless communication device (**i.e., paragraph 0052 at least**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Shanahan to include wherein the fee is based on the total amount of data storage in use by the wireless communication device as taught by Kamada for the purpose of revenue generation

Consider claim 13 and as applied to wireless connectivity toolkit system of claim 11, Shanahan teaches the claimed invention except wherein the fee is based on the total amount of data storage available for use by the wireless communication device.

However, in the same field of endeavor, Kamada teaches wherein the fee is based on the total amount of data storage available for use by the wireless communication device (**i.e., paragraph 0052 at least**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Shanahan to include wherein the fee is based on the total amount of data storage available for use by the wireless communication device as taught by Kamada for the purpose of revenue generation

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Alexander et al. US Patent 6,134,593

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Shedrick whose telephone number is (571)-272-8621. The examiner can normally be reached on Monday thru Friday 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kincaid Lester can be reached on (571)-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Charles Shedrick
AU 2617
May 13, 2006



NICK CORSARO
PRIMARY EXAMINER